

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

MARKUS DWAYNE FAIRLEY #R9167

VERSUS

CIVIL ACTION NO. 1:05cv478LG-RHW

RAYFORD HORTON, SR.

FINAL JUDGMENT

This cause came on this date to be heard upon the Proposed Findings of Fact and Recommendations of United States Magistrate Judge Robert H. Walker entered in this cause on December 13, 2006. The Court, having adopted said Report and Recommendation as the finding of this Court by Memorandum Opinion and Order entered this date, finds that this matter should be dismissed. Accordingly,

IT IS ORDERED AND ADJUDGED that the Motion to Dismiss filed May 18, 2006, [9-1] should be and is hereby **GRANTED** and Fairley's §2254 petition is hereby dismissed as time-barred under 28 U.S.C. § 2244(d).

SO ORDERED AND ADJUDGED this the 3th day of January, 2007.

s/ Louis Guirola, Jr.

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE